IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO.14657 of 2004

Between:

D. Anuradha, W/o.Jayanna, 30 years,
R/o.Kondakindamalapalli, H/o.Dudyala, Sambepalli Mandal,

Kadapa District.

...PETITIONER

AND

1. The Revenue Divisional Officer, Kadapa Town, Kadapa District.
2. The Mandal Revenue Officer, Sambepalli, Kadapa District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a direction or an order, or a Writ more particularly one in the nature of Writ of Mandamus, declaring the action of the 1st respondent in suspending the licence of the petitioner pending enquiry under proceedings Ref.C/567/2004 dated 04.08.2004 (Impugned order copy received by petitioner on 16.08.2004) as illegal, arbitrary and unconstitutional and consequently set aside the impugned order.

Counsel for the Petitioner: MR.S.S.BHATT

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following:

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THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO.14657 of 2004

ORDER:

The petitioner is the authorized dealer in respect of Fair Price Shop at Kondakindamalapalli, Sambepalli Mandal, in Kadapa District. Her authorization was suspended by the proceedings dated 04.08.2004 pending enquiry into the alleged irregularities of the petitioner in distribution of the essential commodities which is under challenge in this Writ Petition.

The contention of the petitioner is that all the allegations made against her are false and baseless and that the 1st respondent is not justified in suspending the authorization without affording an opportunity to rebut the allegations.

In the counter-affidavit filed on behalf of the respondents it is stated that the petitioner is guilty of several irregularities in distribution of commodities, which are grave in nature and therefore, the impugned order of suspension has been rightly passed pending enquiry.

Having heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents, I am of the view that the correctness of various allegations made against the petitioner cannot be gone into by this Court, but it is a matter for enquiry which is admittedly pending before the RDO. Hence, without expressing any opinion on merits, I deem it appropriate to dispose of the Writ Petition with a direction to the 1st respondent-RDO to complete the enquiry initiated against the petitioner as expeditiously as possible preferably within a period of four

weeks from the date of receipt of a copy of this order. Needless to mention that the 1st respondent shall afford an opportunity to the petitioner to rebut the allegations made against her and also afford an opportunity of personal hearing before passing any order. There shall also be a direction to the respondents that till such orders are passed, no permanent appointment shall be made in respect of the Fair Price Shop in question.

With the above directions, the Writ Petition is disposed of. No costs.

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(G.ROHINI, J)

11th October 2004

Note: CC by one week

B/O

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Revenue Divisional Officer, Kadapa Town, Kadapa District.
2. The Mandal Revenue Officer, Sambepalli, Kadapa District.
3. Two CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT).
4. Two CD copies.